

# TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

## **Proposed Rule** LSA Document #10-734

### DIGEST

Amends 410 IAC 32-1-12; 410 IAC 32-1-24; 410 IAC 32-1-28; 410 IAC 32-1-43; 410 IAC 32-1-47; 410 IAC 32-1-54; 410 IAC 32-1-56; 410 IAC 32-1-66; 410 IAC 32-1-72; 410 IAC 32-1-77; 410 IAC 32-1-81 and 410 IAC 32-1-83 to update definitions. Adds 410 IAC 32-1-28.5; 410 IAC 32-1-52.5; 410 IAC 32-1-60.5; 410 IAC 32-1-65.5 and 410 IAC 32-1-84.5 to add new definitions. Amends 410 IAC 32-2-3 and 410 IAC 32-2-5 regarding license qualifications and renewals. Amends 410 IAC 32-3-2; 410 IAC 32-3-4 and 410 IAC 32-3-8 concerning training courses. Amends 410 IAC 32-4-1; 410 IAC 32-4-2; 410 IAC 32-4-3; 410 IAC 32-4-4; 410 IAC 32-4-5; 410 IAC 32-4-6; 410 IAC 32-4-7; 410 IAC 32-4-8; 410 IAC 32-4-9; 410 IAC 32-4-10; 410 IAC 32-4-11; 410 IAC 32-4-13 and 410 IAC 32-4-15 regarding work practices for remediation activities. Effective 30 days after filing with the Publisher.

**410 IAC 32-1-12; 410 IAC 32-1-24; 410 IAC 32-1-28; 410 IAC 32-1-28.5; 410 IAC 32-1-43; 410 IAC 32-1-47; 410 IAC 32-1-52.5; 410 IAC 32-1-54; 410 IAC 32-1-56; 410 IAC 32-1-60.5; 410 IAC 32-1-65.5; 410 IAC 32-1-66; 410 IAC 32-1-72; 410 IAC 32-1-77; 410 IAC 32-1-81; 410 IAC 32-1-83; 410 IAC 32-1-84.5; 410 IAC 32-2-3; 410 IAC 32-2-5; 410 IAC 32-3-2; 410 IAC 32-3-4; 410 IAC 32-3-8; 410 IAC 32-4-1; 410 IAC 32-4-2; 410 IAC 32-4-3; 410 IAC 32-4-4; 410 IAC 32-4-5; 410 IAC 32-4-6; 410 IAC 32-4-7; 410 IAC 32-4-8; 410 IAC 32-4-9; 410 IAC 32-4-10; 410 IAC 32-4-11; 410 IAC 32-4-13; 410 IAC 32-4-15.**

SECTION 1. 410 IAC 32-1-12 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-1-12 "Clearance levels" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 12. "Clearance levels" means values that indicate the maximum amount of lead permitted in dust on a surface following completion of ~~an abatement~~ **a remediation** activity. (*Indiana State Department of Health; 410 IAC 32-1-12; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*) **NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-8) to the Indiana State Department of Health (410 IAC 32-1-12) by P.L.57-2009, SECTION 17, effective July 1, 2009.**

SECTION 2. 410 IAC 32-1-24 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-1-24 "Discipline" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 24. "Discipline" means one (1) of the following specific types or categories of lead-based paint activities identified in this article for which individuals may receive training from approved programs and become licensed by the department:

- (1) Inspector.
- (2) Risk assessor.
- (3) Project designer.
- (4) Supervisor.
- (5) Worker.
- (6) Contractor.
- (7) Clearance examiner.**
- (8) Dust sampling technician.**

(*Indiana State Department of Health; 410 IAC 32-1-24; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted*)

*filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-18) to the Indiana State Department of Health (410 IAC 32-1-24) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 3. 410 IAC 32-1-28 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-28 "Dust-lead hazard" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 28. (a) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding forty (40) micrograms per square foot on floors, ~~or~~ two hundred fifty (250) micrograms per square foot on interior window sills **and four hundred (400) micrograms per square foot for window troughs** based on wipe samples.

(b) A dust-lead hazard is present in a residential dwelling or child-occupied facility:

(1) in a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than forty (40) micrograms per square foot for floors, ~~and~~ two hundred fifty (250) micrograms per square foot for interior window sills **and four hundred (400) micrograms per square foot for window troughs;**

(2) on floors and interior window sills, in an unsampled residential dwelling in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled residential unit on the property; and

(3) on floors and interior window sills in an unsampled common area in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled common area in the same common area group on the property.

*(Indiana State Department of Health; 410 IAC 32-1-28; filed Sep 10, 2003, 4:24 p.m.: 27 IR 462) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-21.5) to the Indiana State Department of Health (410 IAC 32-1-28) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 4. 410 IAC 32-1-28.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 32-1-28.5 "Dust Sampling Technician" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 28.5. "Dust Sampling Technician" means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities, rehabilitation that disturbs painted surfaces and maintenance activities required under the U.S. Department of Housing and Urban Development's ("HUD's") regulation to address lead hazards. A dust sampling technician is not permitted to conduct clearance after abatement activities.

SECTION 5. 410 IAC 32-1-43 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-43 "Interim controls" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 43. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following:

- (1) Specialized cleaning.
- (2) Repairs.
- (3) Maintenance.
- (4) Painting.
- (5) Clearance.
- (6) Temporary containment.

- (7) Ongoing monitoring of lead-based paint hazards or potential hazards.
- (8) The establishment and operation of management and resident education programs.
- (9) Renovation.**

*(Indiana State Department of Health; 410 IAC 32-1-43; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 463) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-34) to the Indiana State Department of Health (410 IAC 32-1-43) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 6. 410 IAC 31-1-47 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-47 "Lead-based paint activities" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 47. "Lead-based paint activities" means the inspection, risk assessment, and ~~abatement~~ **remediation** of lead-based paint in target housing and child-occupied facilities. The term includes ~~project design and supervision~~ **interim controls, abatement and clearance examination**. *(Indiana State Department of Health; 410 IAC 32-1-47; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-36) to the Indiana State Department of Health (410 IAC 32-1-47) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 7. 410 IAC 32-1-52.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 32-1-52.5 "Maintenance activities" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

**Sec. 52.5. "Maintenance activities" means any activity performed on a child-occupied facility or target housing unit that is part of a routine inspection or subsequent to the findings of a routine inspection.**

SECTION 8. 410 IAC 32-1-54 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-54 "Occupant protection plan" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 54. "Occupant protection plan" means a plan that shall be developed for all abatement projects and shall be prepared according to the following procedures:

- (1) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

- (2) A ~~certified~~ **licensed** supervisor or project designer shall prepare the occupant protection plan.

*(Indiana State Department of Health; 410 IAC 32-1-54; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-50) to the Indiana State Department of Health (410 IAC 32-1-54) by P.L.57-2009, SECTION 17, effective July 1, 2009*

SECTION 9. 410 IAC 32-1-56 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-56 "Paint in poor condition" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 56. "Paint in poor condition" means:

- (1) more than twenty (20) square feet of deteriorated paint on exterior components with large surface areas such as walls, ceilings, floors, and doors;
- (2) more than two (2) square feet of deteriorated paint on interior components **in a room** with large surface areas, such as walls, ceilings, floors, and doors; or
- (3) more than ten percent (10%) of the total surface area of the component is deteriorated on interior or exterior components with small surface areas, such as window sills, baseboards, soffits, and trim.

*(Indiana State Department of Health; 410 IAC 32-1-56; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 463) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-52) to the Indiana State Department of Health (410 IAC 32-1-56) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 10. 410 IAC 32-1-60.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 32-1-60.5 "Post remediation report" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

**Sec. 60.5. "Post remediation report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of a remediation project. The post remediation report must contain the following information:**

- (1) Start and completion dates of remediation.**
- (2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the remediation and the name of each supervisor assigned to the remediation project.**
- (3) The occupant protection plan.**
- (4) A copy of the risk assessment that was conducted for the remediation project.**
- (5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner or sampling technician conducting clearance sampling and the date of clearance testing.**
- (6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.**
- (7) A detailed written description of the remediation, including remediation methods used, locations of rooms and components where remediation occurred, reason for selecting particular remediation methods for each component, and any suggested monitoring of encapsulants or enclosures.**

SECTION 11. 410 IAC 32-1-65.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 32-1-65.5 "Remediation" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

**Sec. 65.5. "Remediation" means actions that constitute either:**

- (1) abatement (as defined in IC 16-18-2-0.5); or**
- (2) interim control (as defined in 410 IAC 32-1-43)**

SECTION 12. 410 IAC 32-1-66 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-66 "Renovation" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

**Sec. 66. "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces unless that activity is performed as part of an ~~abatement~~ a remediation.** *(Indiana State Department of Health; 410 IAC 32-1-66; filed Sep 10, 2003, 4:24 p.m.: 27 IR 464) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-58.5) to the Indiana State Department of*

*Health (410 IAC 32-1-66) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 13. 410 IAC 32-1-72 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-72 "Soil-lead hazard" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 72. (a) "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding four hundred (400) parts per million in a play area or average of one thousand two hundred (1,200) parts per million of bare soil in the rest of the yard based on soil samples.

(b) A soil-lead hazard is present:

(1) in a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than four hundred (400) parts per million; or

(2) in the rest of the yard when the arithmetic mean lead concentration from a composite sample or composite samples of bare soil from the rest of the yard, including nonplay areas, for each residential building on a property equal to or greater than one thousand two hundred (1,200) parts per million.

(c) If the soil is removed, it:

(1) shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than four hundred (400) parts per million; and

(2) shall not be used as top soil at another residential property or facility.

**(d) If the soil-lead hazard is equal to or exceeds five thousand (5,000) parts per million, the soil lead hazard must be remediated using an abatement activity.**

*(Indiana State Department of Health; 410 IAC 32-1-72; filed Sep 10, 2003, 4:24 p.m.: 27 IR 465) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-60.6) to the Indiana State Department of Health (410 IAC 32-1-72) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 14. 410 IAC 32-1-77 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-77 "Surface-by-surface investigation" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 77. "Surface-by-surface investigation" means an investigation of an entire facility to determine the presence of lead-based paint as described in Chapter 7, Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing, 1997, U.S. Department of Housing and Urban Development (HUD)\* **or U.S. Environmental Protection Agency (EPA) manual or equivalent.**

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D. C. 20401 or are available for review and copying at the Indiana State Department of Health, Indiana Lead and Healthy Homes Program, Fifth Floor, 2 North Meridian Street, Indianapolis, Indiana 46204.

**\*\* This document is incorporated by reference.** *(Indiana State Department of Health; 410 IAC 32-1-77; filed Sep 10, 2003, 4:24 p.m.: 27 IR 465; errata filed Jun 14, 2010, 10:11 a.m.: 20100630-IR-410100396ACA) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-62.6) to the Indiana State Department of Health (410 IAC 32-1-77) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 15. 410 IAC 32-1-81 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-81 "Training hour" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 81. "Training hour" means at least fifty (50) minutes of actual learning, including, but not limited to, time devoted to any one (1) or a combination of the following:

(1) Lecture.

- (2) Learning activities.
- (3) Small group activities.
- (4) Demonstrations.
- (5) Evaluations.
- (6) Hands-on experience.

**The lecture portion of the course may be delivered by an on-line synchronous or asynchronous format, if approved by the department.**

*(Indiana State Department of Health; 410 IAC 32-1-81; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-66) to the Indiana State Department of Health (410 IAC 32-1-81) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 16. 410 IAC 32-1-83 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-1-83 "Visual inspection for clearance testing" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 83. "Visual inspection for clearance testing" means the visual examination of a residential dwelling or child-occupied facility following ~~an abatement~~ **a remediation activity** to determine whether or not the ~~abatement~~ **remediation** has been successfully completed. *(Indiana State Department of Health; 410 IAC 32-1-83; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-1-68) to the Indiana State Department of Health (410 IAC 32-1-83) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 17. 410 IAC 32-1-84.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 32-1-84.5 "Water-lead hazard" defined**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 84.5. (a) "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion. If the levels are equal to or greater than 15 parts per billion, the department may require remediation methods that include but are not limited to the following:

- (1) corrosion control treatment
- (2) source water treatment
- (3) public education; and
- (4) lead service line replacement.

SECTION 18. 410 IAC 32-2-3 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-2-3 Licensing; qualifications**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 3. (a) To become licensed by the department as an inspector, risk assessor, project designer, supervisor, worker, or clearance examiner, the applicant must do the following:

- (1) Successfully complete an approved lead-based paint course in the appropriate discipline and receive a certificate of training from an approved course provider.
- (2) Have attended an Indiana approved lead-based paint two (2) hour rules awareness course within twelve (12) months prior to making license application, if the approved lead-based paint course in subdivision (1) is not an Indiana-approved course.
- (3) Meet or exceed the experience and education requirements for each desired discipline as listed in subsection (b).
- (4) For inspector, risk assessor, project designers, and supervisor applicants, pass the third-party

examination in the appropriate discipline.

(5) Notwithstanding subdivisions (1) through (4), an applicant may follow the reciprocity provisions in section 6.5 of this rule.

(b) At a minimum, the following experience, education requirements, and course work must be fulfilled for each desired discipline:

(1) Worker and clearance examiner applicants must comply with subsections [*sic.*, *subsection*] (a)(1) and (a)(2).

(2) Inspector applicants shall have a high school diploma or general equivalency diploma (GED).

(3) Risk assessor applicants shall take and pass the inspector and risk assessor courses and pass all required examinations, including third-party examinations. Applicants must meet any one (1) of the following combinations of education and experience:

(A) Bachelor's degree and one (1) year of experience.

**(B) Bachelor's degree, some experience and participation in a mentoring program approved by the department.**

~~(B)~~ (C) Associate's degree and two (2) years of experience.

~~(C)~~ (D) A high school diploma or GED and three (3) years of experience.

Required experience must be in a related field, including lead, asbestos, environmental remediation work, or construction.

(4) Supervisor applicants shall take and pass the supervisor course and all required examinations, including a [*sic.*] third-party examinations, and meet one (1) of the following:

(A) One (1) year of experience as a licensed lead-based paint abatement worker.

(B) Two (2) years of experience in a related field, including lead, asbestos, environmental remediation, or work in the construction trades.

(5) Project designer applicants are required to take and pass the supervisor and project designer courses and pass all the required examinations, including third-party examinations and shall have:

(A) a bachelor's degree in engineering, architecture, or a related profession and one (1) year of experience in building construction design or a related field; or

(B) four (4) years of experience in building construction and design or a related field.

(c) A person who enters into a contract requiring the person to execute lead-based paint abatement to be conducted for compensation shall be a lead-based paint activities contractor licensed under this article. To become licensed by the department as a lead-based paint activities contractor, the applicant must comply with the following:

(1) The applicant must meet or have a designated representative who meets all of the following:

(A) Successfully complete an approved lead-based paint supervisor course within twelve (12) months prior to making license application, receive a certificate of training from an approved training course provider, and take and pass a third-party examination.

(B) One (1) year of experience as a licensed lead-based paint abatement worker or two (2) years of experience in a related field, to include lead, asbestos, environmental remediation, or work in the construction trades.

(2) The contractor may not allow an agent or employee of the contractor to:

(A) exercise control over a lead-based paint activities project;

(B) come into contact with lead-based paint in connection with lead-based paint activities; or

(C) engage in lead-based paint activities;

unless the agent or employee is licensed under this rule.

(3) The contractor and all of its agents and employees shall, when performing lead-based paint activities projects, comply with the work practice standards under 410 IAC 32-4 for performing the appropriate lead-based paint activities.

(4) Each contractor is required to have at least one (1) licensed lead-based paint project supervisor, responsible for direct supervision of workers, in the work area of the lead-based paint activity project. Lead-based paint workers shall have access to the project supervisors throughout the duration of the project.

(5) Each contractor shall ensure that the current lead-based paint program license belonging to each project supervisor and worker is kept on the job site during all lead-based paint activities. The lead-based paint licenses shall be kept outside the work area, and shall be available for inspection by the department.

(6) Contractor applicants must themselves have or have a designated representative who has:

- (A) one (1) year of experience as a licensed lead-based paint abatement worker or at least two (2) years of experience in a related field, to include lead, asbestos, environmental remediation, or work in the construction trades; and
  - (B) successfully completed an approved lead-based paint supervisor course, received a certificate of training from an approved training course provider, and taken and passed a third-party examination.
  - (d) To take the third-party examination, a person shall:
    - (1) successfully complete an approved training course in the appropriate discipline;
    - (2) receive a certificate of training from an approved training course provider; and
    - (3) meet or exceed the education and experience requirements in subsections (b) and (c).
  - (e) An applicant may take the third-party examination, if required, no more than three (3) times within six (6) months of receiving a certificate of training.
  - (f) If a person does not pass the third-party examination within six (6) months of receiving his or her certificate of training, the person must retake the appropriate initial course from an approved training course provider before reapplying for a license from the department.
  - (g) Any individual who has had more than a forty-eight (48) month time lapse between any two (2) training courses of the same discipline shall:
    - (1) be required to attend an initial training course for the discipline in which he or she is seeking licensing; and
    - (2) take the third-party examination required for the discipline in which he or she is seeking licensure as follows:
      - (A) Inspectors, risk assessors, and supervisors shall take the examination for that discipline.
      - (B) Project designers shall take the third-party examination for supervisor.
      - (C) Workers or clearance examiners are not required to take a third-party examination.
  - (h) The following documents shall be submitted to the department to demonstrate compliance with the requirements of this section:
    - (1) Official academic transcripts or diplomas to demonstrate compliance with the education requirements.
    - (2) Resumes, letters of reference, or documentation of work experience to demonstrate compliance with the work experience requirements.
    - (3) Certificates of training from lead-specific or other related training courses, issued by approved training course providers, to demonstrate compliance with the training requirements.
    - (4) Official documentation indicating the passage of a third-party examination.
- (Indiana State Department of Health; 410 IAC 32-2-3; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1441; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 467; errata filed Jun 14, 2010, 10:11 a.m.: 20100630-IR-410100396ACA) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-2-3) to the Indiana State Department of Health (410 IAC 32-2-3) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 19. 410 IAC 32-2-5 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-2-5 Renewal of lead-based paint license**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 5. (a) Any person seeking to renew a license as a lead-based paint inspector, risk assessor, project designer, supervisor, worker, clearance examiner, or contractor shall meet the following requirements:

- (1) Have possessed a valid license in the same discipline in which renewal is being sought within the previous ~~six (6)~~ **twelve (12)** months.
- (2) Have attended, within the previous twelve (12) months, an approved refresher training course for the discipline in which the person was previously licensed. The following disciplines have additional requirements:
  - (A) A risk assessor ~~shall~~ **may** take both the inspector refresher course and the risk assessor refresher course **or an approved combined inspector/risk assessor refresher course.**
  - (B) A project designer shall take both the supervisor refresher course and the project designer



refresher training course.

(3) Have taken and passed a third-party examination as required for inspector, risk assessor, project designer, or project supervisor.

(4) Submit a completed application on forms provided by the department and include a copy of:

(A) the certificates of training indicating that the person successfully completed the refresher training course and passed the written examination; and

(B) for inspectors, risk assessors, and supervisors, provide proof of having passed the third-party examination.

(5) For a contractor, submit a complete list of contracts for the prior thirty-six (36) months for lead-based paint activities, including names, addresses, and telephone numbers of persons for whom projects were performed.

(6) Pay the license application fee as specified in section 8 of this rule.

(b) Any person seeking to renew a lead-based paint license as a contractor shall:

(1) include updated information in the application, if any information has changed during the previous thirty-six (36) months;

(2) routinely examine and update the standard operating procedures manual to reflect the compliance assurance methodologies that meet current federal, state, and local regulations or other laws pertaining to lead-based paint; and

(3) submit a complete list of contracts for the prior thirty-six (36) months for lead-based paint projects, including names, addresses, and telephone numbers of persons for whom projects were performed.

(c) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application.

(d) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue a lead-based paint license renewal to any person who fulfills the requirements established in this rule. The lead-based paint program license shall expire three (3) years after issuance. However, the department may deny an application for renewal of a lead-based paint license based on any of the criteria listed in section 6 of this rule, as applicable, or for failure to comply with any other provision of this rule.

(e) Any individual who has had a forty-eight (48) month time lapse between any two (2) training courses of the same discipline shall:

(1) be required to attend an initial training course for the discipline to which they are seeking to be licensed; and

(2) take the third-party examination required for the discipline in which he or she is seeking licensure.

*(Indiana State Department of Health; 410 IAC 32-2-5; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1444; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 471) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-2-5) to the Indiana State Department of Health (410 IAC 32-2-5) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

## SECTION 20. 410 IAC 32-3-2 IS AMENDED TO READ AS FOLLOWS:

### **410 IAC 32-3-2 Initial and refresher training course and lead-based paint two (2) hour rules awareness course application for approval**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 2. The following procedures shall be followed by a training course provider to receive approval by the department to offer initial or refresher lead-based paint activities courses or Indiana lead-based paint two (2) hour rules awareness course:

(1) A training course provider seeking approval for each training course shall submit one (1) written application, per discipline, for each initial and refresher training course or two (2) hour rules awareness course on forms provided by the department. The application for approval shall contain the following information:

(A) The training course provider's name, address, telephone number, and primary contact person.

(B) The name of the training course.

(C) The course agenda or curriculum.

- (D) The training course test blueprint for each course.
- (E) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of this rule, including the following information:
  - (i) Length of training in days.
  - (ii) A description of the facilities and equipment to be used for lecture and hands-on training. **The lecture portion of the courses may be delivered in an on-line synchronous or asynchronous format, if approved by the department.**
  - (iii) Amount and type of hands-on training.
  - (iv) Description of the examinations, including the length, format, and passing score.
  - (v) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
  - (vi) Topics covered in the course.
  - (vii) A copy of the quality control plan as defined in 410 IAC 32-1-63.
  - (viii) A copy of the certificates of training.
- (F) If a training course provider uses U.S. EPA-recommended model training materials, the training course manager shall include a statement certifying that the recommended version will be used.
- (G) The names and qualifications of the course instructors, including guest instructors, to include academic credentials and field experience.
- (H) A detailed statement about the development of the examinations and a copy of the examinations used in the course.
- (I) A description and an example of numbered certificates issued to students who complete the course and pass the examination, with the following information:
  - (i) Name and address of accredited person.
  - (ii) Discipline of the training course completed.
  - (iii) Dates of the training course.
  - (iv) Date of the examination.
  - (v) An expiration date not to exceed thirty-six (36) months after the date upon which the person successfully completed the course and passed the examination.
  - (vi) The name, address, and telephone number of the training course provider who issued the certificate.
  - (vii) A statement that the person receiving the certificate has completed the requisite training for lead-based paint accreditation.
  - (viii) A statement that the training course meets the requirements as outlined by Indiana under this rule.
- (J) A list of all U.S. EPA authorized and nonapproved states in which the course has received full or contingent approval. Also provide a list of courses directly approved by the U.S. EPA.
- (K) A detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
  - (i) the instructor does not speak a language understood by all students; or
  - (ii) the course materials are not in a language understood by all students.
- (L) The requirements under clauses (D), (E)(iii) through (E)(v), (E)(vii), (H), and (I)(iv) are not required for the two (2) hour rules awareness course.
- (2) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian tribe, the training course provider's application for approval shall include the following for each course:
  - (A) A copy of the student and instructor manuals.
  - (B) A copy of the course agenda.
- (3) A training course provider may apply for approval to offer initial courses or refresher courses in as many disciplines as it chooses. A training course provider may seek approval for additional courses at any time as long as the training course provider can demonstrate that it meets the requirements of this rule.
- (4) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the application fee is not transferable or refundable.

*(Indiana State Department of Health; 410 IAC 32-3-2; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1447; filed Sep 10, 2003, 4:24 p.m.: 27 IR 475; errata filed Jun 14, 2010, 10:11 a.m.: 20100630-IR-410100396ACA) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-3-2) to the Indiana State Department of Health (410 IAC 32-3-2) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 21. 410 IAC 32-3-4 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-3-4 Refresher training course requirements; course work**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 4. A training course provider may seek approval to offer refresher training courses for licensing in the disciplines of inspector, risk assessor, project designer, supervisor, and worker. To obtain approval from the department to offer refresher training, a training course provider shall meet the following minimum requirements:

(1) Each refresher course shall review the curriculum of the initial courses listed under section 3 of this rule, as appropriate. In addition, to become approved to offer refresher training courses, training course providers shall ensure that the courses of study include, at a minimum, the following:

(A) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(B) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(C) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(2) The refresher training course for inspector, risk assessor, supervisor, and worker shall last a minimum of eight (8) training hours. The project designer refresher course shall last a minimum of four (4) training hours. **The department may approve a combined training refresher course for inspector and risk assessor that shall last a minimum of eight (8) training hours.**

(3) For each course offered, the training course provider shall conduct a hands-on assessment, if applicable, and at the completion of the course, a course test.

(4) A training course provider may apply for approval of a refresher course concurrently with its application for approval of the corresponding training course.

(5) A training course provider seeking approval to offer only refresher training courses shall submit a written application to the department containing the following information:

(A) The refresher training course provider name, address, and telephone number.

(B) A list of courses for which it is applying for approval.

(C) A statement signed by the training curriculum manager certifying that the refresher training course meets the minimum requirements established in this section. If a training course provider uses U.S. EPA-recommended model training materials, or training materials approved by Indiana, another state, or Indian tribe that has been approved by the U.S. EPA to develop its refresher training course materials, the training manager shall include a statement certifying that as well.

(D) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian tribe, the training course provider's application for approval shall include the following for each course:

(i) A copy of the student and instructor manuals.

(ii) A copy of the training course agenda.

(E) All refresher training curriculums shall include in their application for certification the following:

(i) A description of the facilities and equipment to be used for lecture and hands-on training.

(ii) A copy of the training course test blueprint for each course.

(iii) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course, where applicable.

(iv) A copy of the quality control plan.

*(Indiana State Department of Health; 410 IAC 32-3-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1450) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-3-4) to the Indiana State Department of Health (410 IAC 32-3-4) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 22. 410 IAC 32-3-8 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-3-8 Training manager and instructor qualifications**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 8. (a) For a training course provider to obtain approval from the department to offer lead-based paint activities courses, the program shall meet the following training manager and instructor requirements:

(1) The training course provider shall employ a training manager who has any one (1) of the following education or work experience:

(A) At least two (2) years of experience, education, or training in teaching workers or adults.

(B) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, or program management or a related field.

(C) Two (2) years of experience in managing a training curriculum specializing in environmental hazards.

The training manager shall also have demonstrated experience, education, or training in the construction industry, including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(2) Training course providers shall submit resumes and qualifications of all potential instructors, including guest instructors, for approval by the department prior to their use as instructors for any course.

(3) A qualified principal instructor shall be hired by the training manager for each course and shall have the following education and work experience:

(A) Possess:

(i) a high school diploma or equivalent; and

(ii) either:

(AA) a bachelor's or graduate degree in architecture, industrial hygiene, engineering, building system design, science, or a related field; or

(BB) a combination of four (4) years of experience in lead-based paint or asbestos inspection, abatement, occupational safety and health, or hygiene.

(B) Successfully completed at least sixteen (16) hours of any U.S. EPA-accredited or U.S. EPA-authorized state or tribal-accredited lead-specific training, including the course in which they plan to instruct. After the effective date of this rule, the training must be taken from an Indiana-approved training course. The training course shall be taken from a training course provider other than the provider for whom the instructor will be working.

(4) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(b) The following documents shall be submitted to the department to demonstrate that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience:

(1) Official academic transcripts or diploma to demonstrate compliance with the education requirements.

(2) Resumes, letters of reference, or documentation of work experience to demonstrate compliance with the work experience requirements.

(3) Certificates from train-the-trainer courses and lead-specific training courses to demonstrate compliance with the training requirements.

This documentation is required to be submitted with the approval application and shall be retained by the training course provider as required by the record keeping requirements contained in section 11 of this rule.

(c) The training course provider shall ensure the availability of, and provide adequate facilities for, the

delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed. **The lecture portion of the training courses may be delivered in an on-line synchronous or asynchronous format, if approved by the department.** (*Indiana State Department of Health; 410 IAC 32-3-8; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1453*) *NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-3-8) to the Indiana State Department of Health (410 IAC 32-3-8) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 23. 410 IAC 32-4-1 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-4-1 Applicability**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 1. (a) This rule contains procedures and requirements for work practice standards for conducting lead-based paint activities. Any licensed person or company performing the following activities shall comply with the appropriate work practices as outlined in this rule:

- (1) Inspection.
- (2) Lead-hazard screening.
- (3) Risk assessment.
- (4) Abatement.
- (5) Project designer.
- (6) Interim Controls.**

(b) A political subdivision or a state agency may not accept a bid for a lead-based activities project from a person that does not hold a lead-based paint activities license. (*Indiana State Department of Health; 410 IAC 32-4-1; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1455; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 481*) *NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-1) to the Indiana State Department of Health (410 IAC 32-4-1) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 24. 410 IAC 32-4-2 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-4-2 Inspections**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 2. An inspection for lead-based paint in a child-occupied facility or target housing shall be conducted only by a person licensed by the department as an inspector or risk assessor. The inspection shall include each component with a distinct painting history, except those components that the inspector or risk assessor determines through the examination of receipts for architectural proof to have been replaced after 1978 or do not contain lead-based paint. If conducted, an inspection shall be conducted as follows:

- (1) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:
  - (A) In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint.
  - (B) In a multifamily dwelling or child-occupied facility, each component with a distinct painting history in every common area group.
- (2) Paint shall be sampled in either, or both, of the following ways:
  - (A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures.
  - (B) All collected paint chip samples shall be analyzed by a laboratory recognized by U.S. EPA pursuant to TSCA Sec. 405(b) as capable of performing analyses for lead compounds in paint chips, dust, and soil samples to determine if they contain detectable levels of lead that can be quantified numerically.
- (3) The licensed inspector or risk assessor shall prepare an inspection report that shall include the

following information:

- (A) Date of each inspection.
  - (B) Address of building.
  - (C) Date of construction.
  - (D) Apartment number, when applicable.
  - (E) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
  - (F) Name, signature, and license number of each licensed inspector or risk assessor conducting testing.
  - (G) Name, address, and telephone number of the firm employing each inspector or risk assessor, when applicable.
  - (H) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.
  - (I) Specific locations of each painted component tested for the presence of lead-based paint.
  - (J) The results of the inspection, expressed in terms appropriate to the sampling method used.
- (4) The licensed inspector or risk assessor shall submit documentation of the inspection in the format prescribed by the department within five (5) business days after completing the report.**
- (5) The licensed inspector or risk assessor shall submit to the department, on a quarterly basis, the number of inspection reports prepared during that quarter by the 15<sup>th</sup> day of the following month.**
- (4) (6) All property owners, from the date of receipt of the lead-based paint inspection report, must disclose all information contained in the report to parties to a transfer of the inspected property as required by 876 IAC 1-4-2.**

*(Indiana State Department of Health; 410 IAC 32-4-2; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1455; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 482) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-2) to the Indiana State Department of Health (410 IAC 32-4-2) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 25. 410 IAC 32-4-3 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-4-3 Lead hazard screen**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 3. A lead hazard screen shall be conducted only by a person licensed by the department as a risk assessor. A lead hazard screen shall be conducted as follows:

- (1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one (1) or more children six (6) years of age or younger shall be collected.
- (2) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:
  - (A) determine if any deteriorated paint is present; and
  - (B) locate at least two (2) dust sampling locations.
- (3) If deteriorated paint is present, the following surfaces which are determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead:
  - (A) Each friction surface or impact surface with visibly deteriorated paint.
  - (B) All other surfaces with visibly deteriorated paint.
- (4) In residential dwellings, two (2) composite dust samples shall be collected and analyzed, one (1) from the floors and one (1) from an interior window sill in all living areas, including, but not limited to, rooms, hallways, or stairwells where any child six (6) years of age or younger is likely to come in contact with dust.
- (5) In multifamily dwellings and child-occupied facilities, the samples required in subdivision (3) shall be taken in:
  - (A) each room, hallway, or stairwell used by any child six (6) years of age and under; and
  - (B) other common area groups in the child-occupied facility where any child six (6) years of age and under is likely to come into contact with dust.

In addition, the risk assessor shall also collect and analyze at least two (2) composite or single-surface dust samples from interior window sills and floors where any child, six (6) years of age or younger, is likely to come into contact with dust.

(6) Dust samples shall be collected and analyzed in the following manner:

(A) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(B) All collected dust samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(7) Paint shall be sampled in either, or both, of the following manners:

(A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(B) All collected paint chip samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(8) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

(A) Date of assessment.

(B) Address of building.

(C) Date of construction.

(D) Apartment number, if applicable.

(E) Name, address, and telephone number of each owner or owners of each residential dwelling or child-occupied facility.

(F) Name, signature, and license number of each licensed risk assessor conducting the assessment.

(G) Name, address, and telephone number of the firm employing each licensed risk assessor.

(H) Name, address, and telephone number of each recognized laboratory conducting the analysis of the collected samples.

(I) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(J) Specific locations of each painted component tested for the presence of lead-based paint.

(K) The results of the assessment, including, but not limited to, visual inspections in terms appropriate to the sampling method used.

(L) All results of laboratory analysis on collected paint, soil, and dust samples.

(M) Any background information collected.

(N) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint or other assessments of lead-based paint-related hazards.

(O) A description of the location, type, and severity of lead-based paint hazards and other potential lead hazards.

(P) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

**(9) The risk assessor shall submit documentation of the lead hazard screen in the format prescribed by the department within five (5) business days after completing the report.**

**(10) The risk assessor shall submit to the department, on a quarterly basis, the number of lead hazard screen reports prepared during that quarter by the 15<sup>th</sup> day of the following month.**

*(Indiana State Department of Health; 410 IAC 32-4-3; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1456; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 482) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-3) to the Indiana State Department of Health (410 IAC 32-4-3) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 26. 410 IAC 32-4-4 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-4-4 Risk assessment**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 4. A risk assessment shall be conducted only by a person licensed by the department as a risk assessor. A risk assessment shall be conducted as follows:

(1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one (1) or more children six (6) years of age or younger shall be collected.

(2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

(3) Each of the following surfaces determined using documented methodologies to have a distinct painting history shall be tested for the presence of lead:

(A) Deteriorated paint in poor condition.

(B) Paint with a potential health hazard.

(4) In residential dwellings, dust samples (either composite or single-surface samples) from a window and floor shall be collected in all living areas where one (1) or more children, six (6) years of age or younger are likely to come into contact with dust.

(5) For multifamily dwellings and child-occupied facilities, additional window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:

(A) Common area groups adjacent to the sampled residential dwelling or child-occupied facility.

(B) Other common area groups in the building where the risk assessor determines that one (1) or more children, six (6) years of age or younger, are likely to come into contact with dust.

(6) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in:

(A) each room, hallway, or stairwell used by one (1) or more children, six (6) years of age or younger; and

(B) in other common area groups in the child-occupied facility where the risk assessor determines one (1) or more children, six (6) years of age and younger, are likely to come into contact with dust.

(7) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(A) Exterior play areas where bare soil is present.

(B) Dripline or foundation areas where bare soil is present.

(C) Any yard area where bare soil is present, including the nonplay areas.

(8) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(9) Any collected paint chip, dust, or soil samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(10) The licensed risk assessor shall prepare a risk assessment report that shall include the following information:

(A) Date of assessment including visual inspections.

(B) Address of each building.

(C) Date of construction.

(D) Apartment number, if applicable.

(E) Name, address, and telephone number of each owner or owners of each residential dwelling or child-occupied facility.

(F) Name, signature, and license number of the licensed risk assessor conducting the assessment.

(G) Name, address, and telephone number of the firm employing each licensed risk assessor.

(H) Name, address, and telephone number of each recognized laboratory conducting analysis of the collected samples.

(I) Each testing method, device, or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(J) Specific locations of each painted component tested for the presence of lead-based paint.

(K) All results of laboratory analysis on collected paint, soil, and dust samples.

(L) Any background information collected.

(M) To the extent that they are used as part of the lead-based paint hazard determination, the



results of any previous inspections or analyses for the presence of lead-based paint or other assessments of lead-based paint-related hazards.

(N) A description of the location, type, and severity of lead-based paint hazards and other potential lead hazards.

(O) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(P) Results of visual inspections.

**(11) The licensed risk assessor shall submit documentation of the inspection in the format prescribed by the department within five (5) business days after completing the risk assessment report.**

**(12) The licensed inspector or risk assessor shall submit to the department, on a quarterly basis, the number of inspection reports prepared during that quarter by the 15<sup>th</sup> day of the following month.**

*(Indiana State Department of Health; 410 IAC 32-4-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1456; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 483) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-4) to the Indiana State Department of Health (410 IAC 32-4-4) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 27. 410 IAC 32-4-5 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-4-5 Abatement procedures for ~~all projects~~ abatement activities**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 5. An abatement shall be conducted only by a person licensed by the department to remove lead-based paint. An abatement shall be conducted as follows:

(1) A licensed supervisor is required for each abatement project and shall be on site and responsible for direct supervision of workers during all:

(A) work site preparation;

(B) abatement activities; and

(C) post-abatement cleanup of work areas.

Lead-based paint workers shall have access to the supervisor throughout the duration of the project.

(2) The licensed supervisor and the licensed contractor employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this section and all other federal, state, and local requirements.

(3) Notification of the commencement of lead-based paint abatement activities in target housing or child-occupied facility or as a result of a federal, state, or local order shall be given to the department prior to the commencement of abatement activities as provided in section 6 of this rule.

(4) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

(A) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

(B) A licensed supervisor or project designer shall prepare the occupant protection plan.

(5) The work practices shall be restricted during an abatement as follows:

(A) Open-flame burning or torching of lead-based paint is prohibited.

(B) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with HEPA exhaust control that removes particles of three-tenths (0.3) micron or larger from the air at ninety-nine and ninety-seven hundredths percent (99.97%) or greater efficiency.

(C) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two (2) square feet in any one (1) room, hallway, or stairwell or totaling no more than twenty (20)

square feet on exterior surfaces.

(D) Operating a heat gun on lead-based paint is permitted only at temperatures below one thousand one hundred (1,100) degrees Fahrenheit.

(6) If conducted, soil abatement shall be conducted as follows:

(A) If soil is removed, the lead-contaminated soil shall be replaced with soil with a lead concentration as close to local background as practicable, but not greater than four hundred (400) parts per million. The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.

(B) If soil is not removed, the lead-contaminated soil shall be permanently covered.

(7) When sealing the work area off from the nonwork area, six (6) mil sheeting shall be used and all tears, breaks, cracks, and openings in the containment system shall be repaired as they occur.

(8) All persons entering a work area during a lead-abatement project that involves breaking or disturbing lead-painted surfaces shall wear disposable shoe covers that shall be removed upon leaving the work area and placed with lead-abated waste. Any persons entering a work area during lead paint removal activity using a heat gun, scraping, HEPA sanding, or chemical stripping, or during replacement and during the cleanup process shall also wear appropriate respirator protection in accordance with all OSHA requirements found at 29 CFR 1926.62\*. In every abatement activity that results in the disturbance of lead-based paint, polyethylene plastic sheeting shall always be placed directly below the work area.

(9) A supervisor shall post warning signs at all entrances and exits to work area. The warning signs posted shall read "Warning Lead Work Area Poison No Smoking or Eating".

(10) Access of nonworkers to abatement work areas shall be limited. The abatement work crew supervisor is responsible for enforcing this limited access. Only the persons informed by the supervisor of potential lead hazards and who have a direct relationship to the project may enter the work area.

(11) Any surfaces that have been stripped with caustic chemicals or that have come into contact with caustic or solvent-based liquid waste shall be cleaned by wet washing until there is no visible residue.

(12) Work areas shall be restricted by barrier tape.

(13) A thorough cleanup of the entire area under active abatement shall occur daily during the entire interior and exterior abatement process. This daily cleanup shall consist of the following:

(A) Lead-abated waste shall be stored in an area inside the property line designated and posted as a lead waste storage area and covered with six (6) mil polyethylene sheeting.

(B) Lead-abated waste shall be stored in locked containers, rooms, trucks, or trailers.

(C) Small debris shall be swept up using a HEPA vacuum and bagged in a six (6) mil polyethylene or double four (4) mil bags and stored in a designated secure area.

(D) Consumable and disposable supplies, including mop heads, plastic sheeting, sponges, and rags, shall be treated as lead-abated waste.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying from Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Indiana State Department of Health; 410 IAC 32-4-5; filed Jan 6, 1999, 4:28 p.m.; 22 IR 1457; readopted filed Jan 10, 2001, 3:20 p.m.; 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.; 27 IR 484*) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-5) to the Indiana State Department of Health (410 IAC 32-4-5) by P.L.57-2009, SECTION 17, effective July 1, 2009.

## SECTION 28. 410 IAC 32-4-6 IS AMENDED TO READ AS FOLLOWS:

### **410 IAC 32-4-6 Lead abatement notification procedures**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 6. (a) Each owner or operator of a lead abatement activity site to whom this rule applies shall do the following:

(1) Provide the department with written notice of intention to conduct an activity on a form **or electronic submission format** to be provided by the department and update such notice as necessary, including, but not limited to, the following:

- (A) The project start date.
  - (B) The activity contractor.
  - (C) An indication of whether the notice is the original, a revised copy, or a canceled copy.
  - (D) Name, address, and telephone number of both the facility owner and operator and the lead abatement contractor owner or operator.
- (2) Postmark, ~~or~~ hand deliver **or electronically submit** the notice as follows:
- (A) At least two (2) working days before a lead-based paint activity, including:
    - (i) abatement;
    - (ii) repair;
    - (iii) removal; or
    - (iv) soil removal or encapsulation;
 that results in the disturbance of lead-based paint.
  - (B) If the activity is an emergency abatement operation, notice shall be given as early as possible but not later than the following working day after the activity is started.
  - (C) Delivery of the notice by the United States postal service, facsimile, commercial delivery service, **electronic submission** or hand delivery is acceptable. If the notice is being updated, a copy of the previous notification being updated shall be attached to the new, revised notification.
  - (D) Include any of the following types of operations in the notification:
    - (i) Wet or dry stripping.
    - (ii) Encapsulation.
    - (iii) Enclosure.
    - (iv) Emergency abatement.
    - (v) Soil removal.
    - (vi) Interior abatement.
    - (vii) Exterior abatement.
  - (E) Description of the facility or affected part of the facility, including the following:
    - (i) Size in square feet.
    - (ii) Number of floors.
    - (iii) Age.
    - (iv) Present and prior use of the facility.
  - (F) Procedure, including analytical methods, employed to detect the presence and amount of lead-based paint.
  - (G) An estimate the approximate amount of lead-based paint to be removed in the facility in terms of linear feet or square feet on facility components.
  - (H) Location and street address, including:
    - (i) building number, building name, and floor or room number location, if available;
    - (ii) city;
    - (iii) county; and
    - (iv) state;
 where the activity is to take place.
  - (I) Scheduled starting abatement removal date and completion dates as indicated by the posting and removal of lead-based paint hazard demarcations in the work area.
  - (J) Description of planned activity work to be performed and methods to be employed, including techniques to be used and a description of the affected facility components.
  - (K) Description of work practices and engineering controls to be used to comply with this rule, including lead removal.
  - (L) Description of procedures to be followed in the event that unexpected lead-based paint becomes a lead-based paint hazard and warrants immediate action.
  - (M) A signed certification from the owner or operator of the facility that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement lead abatement activity.
  - (N) For lead-based paint activities, the name, address, telephone number, and license number issued to the following, if applicable:
    - (i) The person who inspected the facility for lead-based paint.
    - (ii) The person who will conduct risk assessment lead abatement activities.

(iii) The contractor who will conduct lead abatement activities.

(O) For emergency lead abatement activities, the date and hour that the emergency occurred, including a description and an explanation of how the event causes a lead-based paint hazard and warrants immediate action.

(P) Name, address, and telephone number of the waste transporter.

(3) When the lead abatement activity will begin:

(A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked at least two (2) working days or delivered at least one (1) working day before the start date of the lead abatement activity specified in the notification that is being updated; or

(B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new activity start date to the department postmarked or delivered at least two (2) working days before the start date of the lead abatement activity begins.

(b) In no event shall lead abatement activities begin on a date other than the date contained in the most recent written notification. (*Indiana State Department of Health; 410 IAC 32-4-6; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1458; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 485*)  
*NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-6) to the Indiana State Department of Health (410 IAC 32-4-6) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 29. 410 IAC 32-4-7 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-4-7 Lead abatement procedures; interior**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 7. Interior abatement shall include the following procedures:

(1) Post warning signs at entrances and exits to work area and the sign shall read "Warning Lead Work Area Poison No Smoking or Eating".

(2) The department strongly recommends that wall-to-wall carpeting be removed. However, if left in place, it shall be covered with at least two (2) sheets of six (6) mil polyethylene sheeting, secured to the wall or baseboard with masking tape to ensure no contamination by lead dust or other lead-contaminated materials.

(3) Objects remaining in the work area shall be wrapped or covered with six (6) mil polyethylene sheeting and sealed with tape.

(4) After all moveable objects have been removed from the work area, the area shall be sealed from nonwork areas.

(5) After sealing off the work area, floors shall be covered with at least two (2) layers of six (6) mil polyethylene sheeting.

(6) ~~Forced air heating and air conditioning systems shall be shut down, and all air intake and exhaust points of these systems shall be sealed.~~ **All air intake and exhaust points for forced-air heating and air conditioning systems shall be closed when possible and sealed in the work area using six (6) mil polyethylene sheeting and sealed with tape.**

(7) If a common area group is an abatement work area, and there are no alternative entrances and egresses that are located outside of the work area, a protected passage through the common area group shall be erected.

(8) If a safe passage cannot be created and alternative entrances and exits do not exist, then abatement in common area groups shall be conducted between established and posted hours and the work area shall be cleaned with a HEPA vacuum at the end of each working day until all surfaces are free of all visible dust and debris.

(*Indiana State Department of Health; 410 IAC 32-4-7; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1460; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 486*) *NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-7) to the Indiana State Department of Health (410 IAC 32-4-7) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 30. 410 IAC 32-4-8 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-4-8 Lead abatement procedures; exterior**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 8. Exterior abatement shall include the following procedures:

(1) Uncontained water blasting and uncontained abrasive blasting methods of abatement shall not be used.

(2) Before beginning to abate lead paint using wet methods on exterior work areas, the following site preparation procedures shall be used:

(A) Place polyethylene plastic sheeting six (6) mils thick as close to the building foundation as possible, extending beyond the dripline.

(B) Extend the edge of the sheets a sufficient distance to contain the run-off and raise the outside edge of the sheets such as with boards, to trap liquid waste.

(C) Have available appropriate containers to hold liquid waste for later transfer and disposal.

(D) Where seams occur, they shall be sealed with tape and edges shall be raised and a new section of plastic sheeting and framing shall be added as needed.

(E) Liquid waste can be pumped, vacuumed, or bailed for transfer to disposal facility.

(3) Before beginning to abate lead paint using dry methods on exterior work areas, the following site preparation procedures shall be used:

(A) Place polyethylene plastic sheeting six (6) mils thick as close to the building foundation as possible.

(B) Extend the sheeting out from the foundation a minimum of ~~five (5)~~ **ten (10)** feet, ~~and an additional three (3) feet per floor before being abated.~~

(C) Weight the sheeting at the foundation and along edges and seams.

(D) Erect vertical shrouds if constant wind speed exceeds fifteen (15) miles per hour or there is visible movement of debris beyond the ground sheeting.

*(Indiana State Department of Health; 410 IAC 32-4-8; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1460; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-8) to the Indiana State Department of Health (410 IAC 32-4-8) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 31. 410 IAC 32-4-9 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-4-9 ~~Post-abatement~~ remediation clearance procedures**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 9. The following ~~post-abatement~~ **post-remediation** final visual clearance procedures shall be performed only by a licensed inspector or risk assessor:

(1) Following ~~an abatement~~ **a remediation activity** and prior to removal of warning signs or other demarcation, a visual inspection shall be completed by an Indiana licensed inspector or risk assessor to determine if deteriorated, painted surfaces or visible amounts of dust, debris, or residue are still present.

(2) If deteriorated painted surfaces or visible amounts of dust debris or residue are present, they must be wet wiped or HEPA vacuumed until such conditions are eliminated prior to the continuation of the clearance procedures.

(3) Following the visual inspection and any ~~post-abatement~~ **post-remediation** cleanup required in this rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.

(4) Dust samples on surfaces for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(5) Dust samples for clearance purposes shall be taken within a minimum of one (1) hour after completion of final ~~post-abatement~~ **post-remediation** clean-up activities.

(6) The following ~~post-abatement~~ **remediation activity** clearance activities shall be conducted as appropriate based upon the extent or manner of ~~abatement~~ **remediation** activities conducted in or to

the target housing or child-occupied facility:

(A) After conducting ~~an abatement~~ **a remediation activity** with containment between ~~abated and unabated~~ **remediated and non-remediated** areas:

- (i) one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough, if present;
- (ii) one (1) dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways, or stairwells within the containment area; and
- (iii) one (1) dust sample shall be taken from the floor outside the containment area.

If there are fewer than four (4) rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.

(B) After conducting ~~an abatement~~ **a remediation activity** with no containment:

- (i) two (2) dust samples shall be taken from each of no fewer than four (4) rooms, hallways, or stairwells in the target housing or child-occupied facility;
- (ii) one (1) dust sample shall be taken from one (1) interior window sill and one (1) window trough, if present; and
- (iii) one (1) dust sample shall be taken from the floor of each room, hallway, or stairwell selected.

If there are fewer than four (4) rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.

(C) Following an exterior paint ~~abatement~~ **remediation activity**, a ~~visible~~ **visual** inspection shall be conducted as follows:

- (i) All horizontal surfaces in the outdoor living area closest to the ~~abated~~ **remediated** surface shall be found to be clean of visible dust and debris.
- (ii) A visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface ~~abated~~ **remediated**.
- (iii) If paint chips are present, the chips shall be removed from the site and properly disposed of according to all applicable federal, state, and local requirements.

(D) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.

(E) The licensed inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each single surface dust sample with applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level:

- (i) in a single surface dust sample equals or exceeds the applicable clearance levels; or
- (ii) in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample;

then the sample is a failed sample. All the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

(F) The clearance levels for lead in dust are as follows:

- (i) Forty (40) micrograms per square foot for floors.
- (ii) Two hundred fifty (250) micrograms per square foot for interior window sills.
- (iii) Four hundred (400) micrograms per square foot for window troughs.

*(Indiana State Department of Health; 410 IAC 32-4-9; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1460; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 487; errata filed Jun 14, 2010, 10:11 a.m.: 20100630-IR-410100396ACA) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-9) to the Indiana State Department of Health (410 IAC 32-4-9) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 32. 410 IAC 32-4-10 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-4-10 Lead-based paint sampling procedures**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 10. Clearance sampling under section 9 of this rule shall be conducted as follows:

- (1) The licensed individuals who ~~abate~~ **remediate** or clean the dwellings do not know which dwelling will be selected for the random sample.
- (2) A sufficient number of dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that no more than five percent (5%) or fifty (50) of the dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.
- (3) The randomly selected dwellings shall be sampled and evaluated for clearance according to the procedures found in this section.
- (4) ~~An abatement~~ **A post remediation** report shall be prepared by a licensed supervisor or project designer. The ~~abatement~~ **post remediation** report shall include the following information:
  - (A) Start and completion dates of ~~abatement~~ **remediation**.
  - (B) The name and address of each licensed contractor conducting the ~~abatement~~ **remediation** and the name of each supervisor assigned to the ~~abatement~~ **remediation** project.
  - (C) The occupant protection plan.
  - (D) A copy of the risk assessment that was conducted for the remediation project.**
  - ~~(D)~~ **(E)** The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.
  - ~~(E)~~ **(F)** The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.
  - ~~(F)~~ **(G)** A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting particular ~~abatement~~ **remediation** methods for each component, and any suggested monitoring of encapsulants or enclosures.

*(Indiana State Department of Health; 410 IAC 32-4-10; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1461; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-10) to the Indiana State Department of Health (410 IAC 32-4-10) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 33. 410 IAC 32-4-11 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-4-11 Lead-based paint ~~abatement~~ remediation disposal procedures**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 11. The following procedures shall be followed when disposing of lead-based paint waste:

- (1) All lead-based paint waste left at a facility or stored elsewhere prior to disposal shall be securely stored in a manner that restricts access by unauthorized persons to the material.
- (2) The material shall be stored in locked containers, rooms, trucks, or trailers.
- (3) Lead hazard warning signs or labels shall be prominently displayed on the door of the locked containers, rooms, trucks, or other security measures shall be employed, including the use of barriers, barrier tape, or other measures approved by the department.
- (4) Lead warning labels shall be posted in all areas where lead is stored.
- (5) All waste shall be transported in accordance with United States department of transportation requirements and disposed of in accordance with 329 IAC 3.1 and 329 IAC 10.

*(Indiana State Department of Health; 410 IAC 32-4-11; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1461; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 488) NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-11) to the Indiana State Department of Health (410 IAC 32-4-11) by P.L.57-2009, SECTION 17, effective July 1, 2009.*

SECTION 34. 410 IAC 32-4-13 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 32-4-13 Record keeping**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 13. (a) All reports or plans required in this rule shall be completed no later than ~~sixty (60)~~ **thirty**

(30) calendar days from the completion of the ~~abatement~~ **remediation** project.

(b) All reports and plans shall be maintained for no fewer than three (3) years by the licensed person or contractor who prepared the report.

(c) The licensed person or contractor shall provide copies of these reports to the building owner who contracted for services no later than ~~sixty (60)~~ **thirty (30)** calendar days from the completion of the ~~abatement~~ **remediation** project.

(d) The licensed person or contractor shall make reports available to the department ~~upon request~~ **within five (5) days**.

(e) A lead-based paint activities contractor licensed under this rule shall compile records concerning each ~~lead-based paint activities~~ **remediation** project performed by the lead-based paint activities contractor. The records shall include the following information on each ~~lead-based paint activities~~ **remediation** project:

(1) The name, address, and proof of license of:

(A) the person who **conducted or** supervised the ~~lead-based paint activities~~ **remediation** project for the ~~lead-based paint activities~~ contractor; and

(B) each employee or agent of the ~~lead-based paint activities~~ contractor that worked on the project.

(2) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(3) The site of the ~~lead-based paint activities~~ **remediation** project.

**(4) A copy of the risk assessment conducted for the remediation project.**

~~(4) (5)~~ A description of the ~~lead-based paint activities~~ **remediation** project.

~~(5) (6)~~ The date on which the ~~lead-based paint activities~~ **remediation** project was started and the date on which the ~~lead-based paint activities~~ **remediation** project was completed.

~~(6) (7)~~ A summary of procedures that were used in the project to comply with applicable federal, state, and local standards for ~~lead-based paint activities~~ **remediation** projects.

~~(7) (8)~~ A detailed written description of the ~~lead-based paint~~ **remediation** activities, including methods used, locations of rooms or components where ~~lead-based paint~~ **remediation** activities occurred, reasons for selecting particular ~~lead-based paint activities~~ **remediation** methods for each component, and any suggested monitoring of encapsulants or enclosures.

~~(8) (9)~~ The occupant protection plan.

~~(9) (10)~~ The results of clearance testing and all soil analysis and the name of each federally-approved laboratory that conducted the analysis.

(f) A copy of each receipt issued by a disposal site must be included in the records. (*Indiana State Department of Health; 410 IAC 32-4-13; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1462; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Sep 10, 2003, 4:24 p.m.: 27 IR 488*) **NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-13) to the Indiana State Department of Health (410 IAC 32-4-13) by P.L.57-2009, SECTION 17, effective July 1, 2009.**

#### SECTION 35. 410 IAC 32-4-15 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 32-4-15 Filing of notification; fee**

**Authority: IC 16-41-39.8-6**

**Affected: IC 16-41-39.8**

Sec. 15. (a) An owner or operator of a facility where a lead-based paint activity will occur shall pay a fee of fifty dollars (\$50) for each project for which a notification is required.

(b) An owner or operator who submits quarterly notifications shall be notified in writing by the department of the amount of fees due. The amount owed will be determined by the number of notifications submitted to the department in the previous quarter. Fees shall be paid:

(1) by person or by mail;

(2) by check or money order payable to the Indiana state department of health; **and**

~~(3) no later than thirty (30) days from receipt of billing; and~~

~~(4) (3)~~ addressed to Cashier, Indiana State Department of Health, P.O. Box 7236, Indianapolis, Indiana 46207.

(*Indiana State Department of Health; 410 IAC 32-4-15; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Jun 14, 2010, 10:11 a.m.: 20100630-IR-410100396ACA*)



*NOTE: Transferred from the Air Pollution Control Board (326 IAC 23-4-15) to the Indiana State Department of Health (410 IAC 32-4-15) by P.L.57-2009, SECTION 17, effective July 1, 2009.*